

1 Joseph H. Harrington  
2 United States Attorney  
3 Eastern District of Washington  
4 David M. Herzog  
5 Assistant United States Attorney  
6 Post Office Box 1494  
7 Spokane, WA 99210-1494  
8 Telephone: (509) 353-2767

7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

Case No. 2:19-CR-00087-RMP

10 Plaintiff,

Discovery Status Report

11 v.

12 JUAN RIVERA  
13 (a/k/a “Juan Rivera Cruz,” “Juan Cruz  
14 Rivera,” “Manuel Rivera,” and  
15 “Camarón”),

16 Defendant.

17 The United States of America, by and through Joseph H. Harrington, United States  
18 Attorney for the Eastern District of Washington, and David M. Herzog, Assistant United  
19 States Attorney for the Eastern District of Washington, having met and conferred with  
20 Mr. Matthew Campbell, counsel for Defendant Juan Rivera (a/k/a “Juan Rivera Cruz,”  
21 “Juan Cruz Rivera,” “Manuel Rivera,” and “Camarón”) (“Defendant”), in the above-  
22 captioned matter, hereby submits the following discovery status report, pursuant to the  
23 Court’s pretrial order. (ECF No. 17.)

24 1. On May 7, 2019, a federal Grand Jury returned an Indictment charging

25 Defendant with the following:

- a. Count 1: Conspiracy to Produce Child Pornography, in violation of 18 U.S.C. § 2251(a), (e);
- b. Count 2: Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1);
- c. Count 3: Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2); and
- e. Count 4: Alien in the United States After Deportation, in violation of 8 U.S.C. § 1326.

(ECF No. 1.)

2. On May 10, 2019, Defendant was arrested on those charges and made his initial appearance before the Honorable John T. Rodgers, United States Magistrate Judge. Judge Rodgers ordered Defendant detained. (ECF No. 10.)

3. On May 14, 2019, the Court ordered counsel to meet and confer regarding discovery by no later than May 28, 2019, and to submit this report within three days thereafter. (ECF No. 17.)

4. During the weeks of May 20 and 27, 2019, counsel for the United States and Defendant met and conferred regarding protective orders in this case, given the fact that it is a child exploitation case with an identified minor victim. The United States and Defendant agreed that upon the issuance of the proposed protective orders, the United States will produce discovery to the defense according to the standard practice in place in this District and pursuant to the Protective Orders.

1       5. The protective orders will protect the identity of a minor child, and will  
2 permit defense counsel and a defense forensic expert to review the contraband discovery  
3 in the case at the offices of the Federal Bureau of Investigation (“FBI”) in Spokane.  
4  
5 These provisions are necessary because the discovery in this case includes the bona fide  
6 identity of the minor victim and pornographic images of that victim, recovered from  
7 Defendant’s electronic devices and elsewhere. These are standard procedures used in this  
8 District for child pornography and child exploitation cases of this kind.  
9

10      6. On May 28, 2019, the United States filed a joint stipulated motion and  
11 unopposed motion for these protective orders. (ECF Nos. 20, and 21.) Upon the Court’s  
12 issuance of the protective orders, the United States will produce non-contraband  
13 discovery to Defendant via the USAFx system, and will make available the non-  
14 contraband discovery at the Spokane offices of the FBI.  
15  
16

17      7. On May 28, 2019, the parties met and conferred regarding discovery and the  
18 submission of this report. Neither party indicated any new or additional discovery issues.  
19  
20

21      8. The defense anticipates reviewing the electronic media and contraband  
22 images at FBI.  
23  
24  
25  
26  
27  
28

1       9. The United States will continue to produce discovery on a rolling basis as  
2 any new discovery becomes available and is processed into the USAFx system.  
3  
4

5 DATED: May 28, 2019

Joseph H. Harrington  
United States Attorney

s/*David M. Herzog*  
David M. Herzog  
Assistant United States Attorney

s/*Matthew Campbell (with permission)*  
Matthew Campbell  
Attorney for Defendant

## **CERTIFICATION**

I hereby certify that on May 28, 2019, I electronically filed the foregoing with the Clerk of the Court and parties of record using the CM/ECF System.

s/*David M. Herzog*  
David M. Herzog  
Assistant United States Attorney